



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Sunday, 10th August, 1947

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Sunday, the 10th August, 1947

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The first meeting of the Constituent Assembly of Pakistan took place in the Assembly Chamber, Karachi, on Sunday, the 10th August, 1947, at Ten of the Clock.

ELECTION OF TEMPORARY CHAIRMAN

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) :
Ladies and Gentlemen ! I propose that Mr. Jogendra Nath Mandal be elected as temporary Chairman.

Khwaja Nazimuddin (East Bengal : Muslim) : I beg to second the proposal.

(The Honourable Mr. Jogendra Nath Mandal then took the Chair.)

CHAIRMAN'S INAUGURAL ADDRESS

Mr. Chairman (The Honourable Mr. Jogendra Nath Mandal) :
Ladies and Gentlemen ! At the very outset I would like to bow down my head to God Almighty for the opportunity He has graciously given us to assemble here and pray to Him to guide us on the right path.

Then, I thank you, ladies and gentlemen, most cordially for the great honour you have done me by electing me as the Chairman of the historical, first, inaugural meeting of the Constituent Assembly of Pakistan. You have come from different Provinces of the State of Pakistan and have assembled here on this momentous occasion with the object mainly of framing a constitution for the free, Sovereign State of Pakistan. Gentlemen, it is hardly necessary for me to impress upon you the gravity and solemnity of the occasion. I hope you will agree with me when I say that the free independent State of Pakistan will bring to one and all of her citizens prosperity, happiness and peace. (*Hear, hear.*) I believe, and it is my firm conviction that the State of Pakistan will be one of the most powerful, resourceful and magnificent States of the world. (*Applause.*)

Ladies and gentlemen, I cannot help expressing on this momentous occasion my gratitude and admiration and the gratitude and admiration of the Muslims of India towards Quaid-i-Azam Mr. Moharrumad Ali Jinnah, the great creator and architect of the State of Pakistan. (*Applause.*) I have every confidence that under his able leadership, under his astute statesmanship and through his untiring devotion to the cause of Pakistan, all prosperity and happiness will come to the people of

[Mr. Chairman.]

Pakistan. It is needless for me to reiterate that the Quaid-i-Azam, Mr. Mohammad Ali Jinnah, is the greatest statesman and one of the greatest men of the world today. (*Prolonged applause.*)

Today, gentlemen, it gives me much pleasure to declare that the election as Chairman of a member from a minority community augurs very well with the creation of Pakistan, because Pakistan today is the result of persistent and legitimate demand of the minority community, namely, Muslims of India. I would like to point out that not only will the people of Pakistan and India but the people of the whole world look to the Pakistan Constituent Assembly and find for themselves that the Muslim community which was determined to acquire their legitimate rights and privileges and determined to have a separate State of Pakistan will never lack in the quality of doing not only justice and fairness but acts of generosity towards the people of minority communities inhabiting Pakistan, and that is my greatest satisfaction. People of minority communities in Pakistan may be assured, as they have been assured repeatedly by the Muslim League leaders, and particularly Quaid-i-Azam Mr. Mohammad Ali Jinnah, that the people of minority communities would not only be treated justly and fairly but generously too.

Now, gentlemen, as I have said, we know the solemnity and gravity of the occasion. We know our rights and privileges. At the same time, we should know our duties and responsibility. To ask for protection, safeguards and privileges of a State by the people of the minority communities devolves on them a responsibility to be loyal and faithful to the State. Unless a minority people are loyal and faithful to the State they have little justification to demand safeguards, protection and fair treatment. I would, therefore, like to make it perfectly clear that the people of minority communities are required to change their outlook and people of all communities living in Pakistan should now trust one another. The distrust, hatred, enmity and jealousy should be replaced by trust, love, friendship and mutual co-operation.

I think it is not an occasion for me to inflict upon you a longer speech. Therefore, I should now close with this appeal again to you, ladies and gentlemen, that you should bear in mind that this Assembly as a sovereign body has got all power and right to do whatever it wants to do. Although the secondary function of this Assembly will be to enact legislation till a Central Legislative Assembly is constituted under the new Act, the main function of this Constituent Assembly will be to frame a constitution for the State of Pakistan and I hope and believe that Honourable Members representing different provinces of the Pakistan State and

representing different communities will try to evolve and frame an ideal constitution for Pakistan.

I would like to make another appeal that we should start without any prejudice and any bias. We should only look for what is good and not imitate what is done here or elsewhere. Our endeavour should be to frame one of the best constitutions that any world state has ever produced and I am sure we shall do it.

I again thank you most cordially, ladies and gentlemen, for the great honour you have done me. (*Loud applause.*)

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

Mr. Chairman : Ladies and gentlemen, I would now request you to present your credentials to the Secretary who will call out your names one by one and sign the Roll.

Mr. Bhim Sen Sachar (West Punjab : General) : Sir, on a point of order. Will it not be convenient to indicate items on the agenda which are to be taken up today? I suggest that in future the items should be indicated specifically on the Order of the Day so as to enable members to know what items on the list are to be taken up.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : May I just point out that it is rather early to raise this point of order because the Constituent Assembly has not yet started functioning in the sense that the Members have not yet signed the Roll, and it is only after that that a point of order can be raised?

Mr. Chairman : I appreciate the difficulty, and assure the Honourable Members that the Agenda of the Day will be submitted beforehand. Today's business will be confined only to formal matters as pointed out by the Honourable Mr. Liaquat Ali Khan. The Honourable Members will now present their credentials and then put any questions they like.

(18) [After the Honourable Mr. Jogendra Nath Mandal presented his credential and signed his name in the Register, the following members also presented their credentials and signed their names in the Register ;—

Quaid-i-Azam Mohammad Ali Jinnah.

The Honourable Mr. Liaquat Ali Khan.

Mr. Abdulla-al Mahmood.

Khwaja Nazimuddin.

The Honourable Mr. H. S. Suhrawardy.

(19) Mr. Kiran Sankar Roy.

The Honourable Mr. Nurul Amin.

Maulana Shabbir Ahmad Osmani.

Mr. A. K. Fazlul Huq.
Mr. Hamidul Huq Chowdhury.
Mr. Abdul Hamid.
Mr. Tamizuddin Khan.
Mr. M. A. H. Ispahani.
Mr. Dharendra Nath Datta.
Mr. Prem Hari Barma.
Prof. Raj Kumar Chakraverty.
Prof. Ishtiaq Hussain Qureshi.
Maulana Md. Abdullah-el Baqui.
Khwaja Shahabuddin.
Mr. Abul Masud Abdul Hamid.
Mr. Azizuddin Ahmad.
Mr. Ghyasuddin Pathan.
Mr. Mafizuddin Ahmad.
Dr. Mahmud Husain.
Dr. A. M. Malik.
Mr. Sris Chandra Chattopadhyaya.
Mr. Bhupendra Kumar Datta.
Mr. Jnanendra Chandra Majumdar.
Mr. Birat Chandra Mandal.
Mr. Murtaza Raza Choudhury.
The Honourable Mr. Muhammad Habibullah Bahar.
Mr. Nur Ahmed.
Mr. Abul Kasem Khan.
Sri D. Roy.
Mr. Sachindra Narayan Sanyal.
Mr. Harendra Kumar Sur.
Mr. Bhim Sen Sachar.
Khan Iftikhar Husain Khan.
The Honourable Sardar Abdur Rab Khan Nishtar.
The Honourable Mr. Ghazanfar Ali Khan.
Begum Jahan Ara Shah Nawaz.
Malik Mohammad Firoz Khan Noon.
Mr. Ganga Saran.
Mian Muhammad Iftikhar-ud-Din.
Lala Avatar Narayan Gujral.
Dr. Omar Hayat Malik.
Sheikh Karamat Ali.
Mr. Nazir Ahmad Khan.
Khan Sardar Bahadur Khan.
The Honourable Mr. M. A. Khuhro.
The Honourable Pirzada Abdus Sattar Abdur Rehman.
Mr. Mohammad Hashim Gazder.
Sardar Bahadur Nawab Mohd. Khan Jogezi.]

PROVISIONAL ADOPTION OF CENTRAL LEGISLATIVE ASSEMBLY RULES & STANDING ORDERS

Mr. Chairman : Honourable Mr. Liaquat Ali Khan.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) :
Sir, before the Members went to sign the roll, it was desired that it should be indicated as to what would be the items on the agenda that would be taken up today. First of all, Sir, I would request you to fix the time for the meetings of the Assembly from 10 A.M. to 1 P.M. every day.

I propose that the Assembly should meet only in the morning and should not meet in the afternoon. It is intended that today we will take items Nos. 3, 4, 5 and 6. The Honourable Members would see that these items are more or less of a formal nature.

Sir, the resolution that stands in my name, I beg to move now.
I move :

“That this Assembly do adopt, with such modifications as the President or the Chairman for the time being, may in his absolute discretion permit, the Rules and Standing Orders of the Central Legislative Assembly, pending the framing by the Constituent Assembly of its own Rules of Procedure.”

Sir, we must have Rules of Procedure according to which the Assembly should function and I submit that the easiest way of meeting that requirement would be to adopt the Rules of Procedure and Standing Orders of the Central Legislative Assembly.

The Honourable Members must have noticed that there is a resolution later on on the Agenda recommending the appointment of a Committee to frame rules of procedure and other matters connected therewith. Till such rules of procedure are framed, I propose that we should adopt the Rules of Procedure and Standing Orders of the Central Legislative Assembly. I move.

Mr. Dharendra Nath Datta (East Bengal : General) : Mr. Chairman, Sir, before we accept this resolution, I think, Sir, we should be supplied with the Rules and Standing Orders of the Central Legislative Assembly. We do not know what those Rules of Procedure and Standing Orders are because copies have not been supplied to us. So I think we must be supplied with a copy of the rules and standing orders first.

Mr. Chairman : In regard to the point raised by Honourable Member, Mr. Dharendra Nath Datta, I would like to say that there are only a few copies of the Rules and Standing Orders of the Central Legislative Assembly. That is why they could not be circulated among all the members. As the copies were not available, it was not possible to send them

[*Mr. Chairman.*]

to the members. The Honourable Members know that Central Legislative Assembly Rules and Standing Orders were also adopted by the Indian Constituent Assembly and I felt that there should not be any difficulty in getting acquainted with those Rules and Standing Orders. I think the Leaders of each group may be provided with one copy each for the time being. There are a few copies kept in the Library and Leaders of different groups will be supplied with one copy each.

Now, the two points have been raised. The first point raised by the Honourable Mr. Liaquat Ali Khan is that the meeting of the Assembly should sit at 10 o'clock and if necessary we might sit up to 1 o'clock. I think there is no objection from any part of the House against this programme. I take it, then, that the time fixed for the meetings 11A.M. of the Constituent Assembly will be 10 o'clock every day and we can sit till 1 P. M.

Prof. Raj Kumar Chakraverty (East Bengal: General): Sir, the resolution authorises the President or the Chairman for the time being to adopt the Rules and Standing Orders of the Central Assembly with such modifications as he likes. I beg to move a suggestion in this connection that so far as the circulation of the agenda is concerned and the tabling of the amendments is concerned, I would like to draw the attention of the House and the attention of the President and the Chairman for the time being to the fact that the Agenda should be circulated at least 48 hours before the date of the meeting and the Members should be given facilities for tabling their amendments 24 hours before the day of the meeting. In the Central Assembly the Agenda is circulated sufficiently before the day of the meeting and opportunity is also given to the Members for tabling their amendments. I hope this suggestion will receive the consideration of the Chairman for the time being so that the business of the House may be expedited and Members may get facilities for tabling their amendments in time.

Mr. Kiran Sankar Roy (East Bengal: General): Sir, while I agree with the observations made by my Honourable friends, Mr. Bhupendra Kumar Dutta and Mr. Raj Kumar Chakraverty, considering the difficulties of the situation I would request them not to press their points and defer the acceptance of the resolution moved by the Honourable Mr. Liaquat Ali Khan. I support the resolution moved by Mr. Liaquat Ali Khan.

The Honourable Mr. Liaquat Ali Khan: As soon as these rules are adopted by the House, I have no doubt that the President and the Chairman, who may be presiding for the time being, would follow them as far as it is practicable. I hope Honourable Members would recognise that on account of the peculiar circumstances and the shortness of time it was not possible and it may not be possible in the future also to

stick strictly to the letter of the Rules. But I can assure Honourable Members that every effort would be made to give them as much time to study the Agenda as it is practicable.

Mr. Chairman : As to giving 48 hours' notice, I feel it may not be possible, as has been explained by the Honourable Mr. Liaquat Ali Khan, to follow it during this session because of the shortness of time and the nature of the business that it is proposed to have in this session. Therefore, I hope Honourable Members will not press for 48 hours' notice, but each day's agenda will be circulated on the previous day.

Mr. Dharendra Nath Datta : So far as the amendments are concerned, we should be allowed to give them at short notice. Thus, there may be some slackness in the rules.

Mr. Chairman : I think that is fair. The question is:

"That this Assembly do adopt, with such modifications as the President or the Chairman for the time being, may in his absolute discretion permit, the Rules and Standing Orders of the Central Legislative Assembly, pending the framing by the Constituent Assembly of its own Rules of Procedure."

The motion was adopted.

CONFIRMATION OF THE EXISTING ORGANISATION OF THE CONSTITUENT ASSEMBLY SECRETARIAT

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) .
Sir, I beg to move :

"That this Assembly do confirm the existing organisation of the Office of the Constituent Assembly, and authorise the President to make such changes as he deems necessary."

Sir, the present set-up of the Assembly Office was made by the Government. I think it is proper that now that the Assembly has been constituted, the Office of the Constituent Assembly should be under the Assembly through its President. Therefore, I have come forward to move this resolution before this House.

Mr. Chairman : The question is :

"That this Assembly do confirm the existing organisation of the Office of the Constituent Assembly, and authorise the President to make such changes as he deems necessary."

The motion was adopted.

RULES FOR THE ELECTION OF THE PRESIDENT OF THE CONSTITUENT ASSEMBLY

The Honourable Sardar Abdur Rab Khan Nishtar (West Punjab : Muslim) : Sir, I beg to move :

“That this Assembly resolves that the President of the Constituent Assembly shall be elected in accordance with the following Rules :—

- (1) At any time before 4 P. M. to day any member may nominate another member for election by delivering to the temporary Chairman or to a person appointed by him a nomination paper signed by himself as the proposer and by a third member as seconder and stating—
 - (a) the name of the member nominated, and
 - (b) that the proposer has ascertained, that such member is willing to serve as President, if elected.
- (2) At any time to be fixed by the temporary Chairman, the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and, if only one member has been so nominated, shall declare that member to be duly elected. If more than one member has been so nominated, the Assembly shall proceed to elect the President by ballot on a date to be fixed by the temporary Chairman.
- (3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote, if he and his proposer and seconder have not, before the reading out of the names by the temporary Chairman, signed the Assembly Roll as members of the Assembly.
- (4) Where only two candidates are nominated the candidate who obtains at the ballot the larger number of votes, shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots in such manner as the temporary Chairman may determine.
- (5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.
- (6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under rule (4) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots in such manner as the temporary Chairman may determine.
- (7) Any candidate may withdraw his candidature by notice in writing before the reading out of the names by the temporary Chairman.”

My resolution, though very important, is more or less an uncontroversial resolution. It is absolutely essential for this Assembly to elect a President and for the election of the President the framing of special rules is necessary. These are the rules which are

usually adopted in such cases and I hope the Honourable House will agree to the resolution that I have moved just now.

Mr. Dharendra Nath Datta (East Bengal : General) : Probably there is some mistake in sub-rule (6) where one of the candidates has to be excluded from election under sub-rule (4). Now, sub-rule (4) does not speak of exclusion. It is sub-rule (5) which speaks of exclusion.

Mr. Chairman : That change may be made. The question is :

“ That this Assembly resolves that the President of the Constituent Assembly shall be elected in accordance with the following Rules :—

- (1) At any time before 4 P. M. to-day any member may nominate another member for election by delivering to the temporary Chairman or to a person appointed by him a nomination paper signed by himself as the proposer and by a third member as seconder and stating—
 - (a) the name of the member nominated, and
 - (b) that the proposer has ascertained that such member is willing to serve as President, if elected.
- (2) At any time to be fixed by the temporary Chairman, the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be duly elected. If more than one member has been so nominated, the Assembly shall proceed to elect the President by ballot on a date to be fixed by the temporary Chairman.
- (3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote, if he and his proposer and seconder have not, before the reading out of the names by the temporary Chairman, signed the Assembly Roll as members of the Assembly.
- (4) Where only two candidates are nominated, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots in such manner as the temporary Chairman may determine.
- (5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.
- (6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under rule (5) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots in such manner as the temporary Chairman may determine.
- (7) Any candidate may withdraw his candidature by notice in writing before the reading out of the names by the temporary Chairman.”

The motion was adopted.

RESOLUTION ^{re} : NOMINATION OF A PANEL OF CHAIRMEN**The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) :

Sir, I beg to move :

“ That this Assembly resolves that—

- (1) as soon as may be after the first meeting of the Constituent Assembly the President shall nominate from among the Members a panel of not more than four Chairmen any one of whom may preside over the Assembly in the absence of the President when so requested by the President ;
- (2) if at any time the office of the President falls vacant and there is no person authorized and able to preside over the Assembly, one of the Chairmen appointed in this behalf by the Assembly shall preside until a President has been duly elected ;
- (3) a Chairman nominated under sub-paragraph (1) shall hold office until a new panel of Chairmen is nominated. ”

The object of this resolution, Sir, is to provide for those occasions when the President may be absent from the Assembly and as Members would notice it gives power to the President to appoint a panel of four Chairmen, one of whom, who may be nominated by him, would preside in his absence.

I move, Sir.

Khan Sardar Bahadur Khan (N.W.F.P.) : Does this Resolution visualise that a panel of Chairmen nominated for one session will carry on for the life of the Assembly or that for every session a new panel of Chairmen will be appointed ?

Mr. Chairman : Before I put the motion moved by Mr. Liaquat Ali Khan I would like to declare the appointment of the Secretary as the person who will receive nomination papers till 4 P. M. today for the election of the President as you have known from the Resolution according to which the nomination papers are to be sent to the temporary Chairman or to a person appointed by him. I, as Chairman, appoint the Secretary of the Constituent Assembly as the person to receive nomination papers for the election of the President till 4 P. M. today.

The question is :

“ That this Assembly resolves that—

- (1) as soon as may be after the first meeting of the Constituent Assembly the President shall nominate from among the Members a panel of not more than four Chairmen any one of whom may preside over the Assembly in the absence of the President when so requested by the President ;
- (2) if at any time the office of the President falls vacant and there is no person authorized and able to preside over the Assembly, one of the Chairmen appointed in this behalf by the Assembly shall preside until a President has been duly elected ;
- (3) a Chairman nominated under sub-paragraph (1) shall hold office until a new panel of Chairmen is nominated. ”

The motion was adopted.

The Assembly then adjourned till Ten of the Clock, on Monday, the 11th August, 1947.

